

**CHILD PROTECTION ACCOUNTABILITY COMMISSION (CPAC)**

**Quarterly Meeting**

**April 8, 2009**

**New Castle County Courthouse  
12<sup>th</sup> Floor Conference Room**

Those in attendance:

**Members of the Commission:**

**Statutory Role:**

C. Malcolm Cochran, IV, Esq., Chair  
Sgt. Trish Davies  
Dr. Allan DeJong  
Mary Lou Edgar  
The Honorable Joelle P. Hitch  
Patricia Dailey Lewis, Esquire  
Laura Miles  
Janice Mink  
Julia Pearce  
(proxy for William Murray)  
Bridget Poulle  
The Honorable Vivian Rapposelli  
Dr. Marc Richman  
(proxy for Susan Cycyk)  
Alvin Snyder  
Randall Williams

Child Protection Community 16 Del. C. § 912 (a)(11)  
Law Enforcement. 16 Del. C. § 912(a)(11)  
Medical Community 16 Del. C. § 912(a)(10)  
Inter. Comm. On Adoption 16 Del. C. § 912(a)(11)  
Family Court 16 Del. C. § 912(a)(4)  
Attorney General's Office 16 Del. C. § 912 (a)(3)  
Dir., Div. of Family Servs. 16 Del. C. § 912 (a)(2)  
Child Protection Comm. 16 Del. C. § 912 (a)(11)  
Child Placement Review Board 16 Del. C. § 912 (a)(7)  
  
Dom. Violence Coord. Council 16 Del. C. § 912(a)(10)  
Children's Department 16 Del. C. § 912(a)(1)  
Dir., Div. of Child Mental Health 16 Del. C. § 912(a)(9)  
  
Child Protection Comm. 16 Del. C. § 912 (a)(11)  
Child Protection Comm. 16 Del. C. § 912 (a)(11)

**Staff:**

Tania Culley, Esquire – Executive Director  
Molly Dunson  
Allison McDowell

**Members of the Public:**

Rodney Brittingham  
Islanda Finamore, Esq.  
Patricia Hearn

Andrea Mills  
Anne Pedrick  
Shirley Roberts

Joseph Smack  
Kate Stiner

## I. Welcome/Introductions

Mike Cochran opened the meeting and welcomed attendees.

## II. Approval of Minutes

The minutes of the January 14, 2009 meeting were approved with a few changes.

## III. Old Business

### a. CPAC Strategic Plan

Mr. Cochran reported that he and Tania Culley met to look at specific areas of the CPAC strategic plan and to determine which areas were the “low hanging fruit.” They agreed that the data-informed decision making area would be a good place to start. Laura Miles informed the Commission that all grant submissions to the First State Quality Improvement Fund had been suspended due to the state’s fiscal situation; a grant proposal had been submitted on behalf of CPAC to support the research on DFS referrals and cases for the data-informed decision making process. Nonetheless, Ms. Miles reported that a team within DFS has begun looking at the data internally. CPAC agreed to create a new subcommittee, whose charge will be:

- Data analysis of child abuse and neglect reports, to be comprised of all investigations from the last 10 years and to include which variables predicted substantiation or unsubstantiation; what percentage of cases came back within 5 years; and which variables are consistent among cases that came back within 5 years; and
- Monitor progress on the CAN Reports data analysis, be included in the process, and receive a report from DSCYF upon conclusion such that it can make recommendations for action.
- Research available risk assessment tools for identifying children at risk for dependency, abuse, and/or neglect, and make a recommendation on the most appropriate tool for DFS to use.

This subcommittee can begin researching risk assessment tools, although the Commission acknowledged that ultimately, the decision on which tool to use will require data and money. Anyone interested in serving on this subcommittee was asked to contact Mr. Cochran.

The other area Mr. Cochran and Ms. Culley identified to focus on was early targeted intervention; they felt this could be undertaken by the Mental and Behavioral Health Services for Children In and Adopted Out of Foster Care Subcommittee (MH/BH Subcommittee). The MH/BH Subcommittee was charged with reconvening, and addressing the following:

- Facilitating the development and implementation of a clear protocol regarding how/when school and medical personnel should refer children for mental and behavioral health services;
- Ensuring that the recommendations outlined in the Subcommittee's final report are implemented so as to better meet the needs of children in and adopted out of foster care; and
- Exploring ways in which to improve mental and behavioral health services for young children and their families, including ensuring that there are quality professionals and community services to meet the needs of families where they are identified.

Mary Lou Edgar offered for the Interagency Committee on Adoption (ICOA) to create a plan for a subcommittee to address the first action step in the area of minimizing time in and sustaining transitions out of foster care, which is:

- Explore available family support services that will help minimize children's time in and sustain their transitions out of foster care, to determine the quality, capacity, and efficacy of such services. Additionally, efforts should be undertaken to ensure that family support services are evidence-based and implemented based upon the needs of the individual families.

Ms. Edgar stated that ICOA was already dealing with some of these issues, and that they would meet to make a plan and report back to the Commission at the July 8, 2009 CPAC meeting.

It was also noted that the Caseloads/Workloads Subcommittee did some of the work of the third action step in the area of minimizing time in and sustaining transitions out of foster care, which involves developing and/or enhancing public/private partnerships to ensure on-going community investment in children and families.

#### b. CPAC Legislative Initiatives

Mr. Cochran began the discussion by reporting that he and Tania Culley attended the Joint Finance Committee (JFC) hearing for the Department of Services for Children, Youth and their Families (DSCYF), and told the members of JFC that CPAC would not ask for anything that cost any money.

##### i. Third Party Visitation/DSCYF Custody

Tania Culley reported that this legislation was in House Committee today, and she anticipated that it would be scheduled for the House floor when the General Assembly returned from its Easter break. This is the only CPAC legislation introduced so far this year.

##### ii. Extended Jurisdiction (EJ)

The EJ Subcommittee met, with all stakeholders in this legislation represented, and made changes to the original EJ bill designed to eliminate the potential for a fiscal impact. Small, informal groups, with authority from CPAC, have worked to address a variety of details. All parties agreed that there needs to be a meaningful opportunity for review if there is a problem with the provision of services to youth aging out of foster care. Mr. Cochran announced that he was optimistic that within 30-45 days, there should be a piece of legislation that CPAC could rally around.

iii. Other

Patricia Dailey Lewis reported that the Department of Justice's (DOJ) abandonment bill passed the Senate on April 7, 2009. She reminded the Commission that the bill bumps up the abandonment of a child under the age of 14 to a felony, and makes the abandonment of a child age 14 or older a misdemeanor. This bill therefore makes abandonment of a child over the age of 16 a crime, which it currently is not.

She also noted that the Domestic Violence Coordinating Council's (DVCC) "sight and sound" bill, which amends the endangering statute to clarify witness as "either by sight or sound," passed the Senate on April 7, 2009, as well.

Ms. Culley then informed the Commission that Senate Bill 34, which makes updates to the Termination of Parental Rights (TPR) statute, was scheduled for the Senate agenda on April 9, 2009. Also, Senate Bill 55 was in Senate Committee and on the Senate agenda on April 8, 2009; this bill adds guardians and permanent guardians to those who can file for TPR. She noted that the Legislative Subcommittee was scheduled to meet on April 17, 2009. If any agency had specific legislative needs, that meeting would be a good forum to ask for CPAC's support.

IV. CPAC Committee Reports

a. Abuse Intervention Subcommittee

Ms. Dailey Lewis reported that the Memorandum of Understanding (MOU) went out, and it is being signed by each police agency in Delaware. She is going to a police chiefs' meeting in order to obtain all the necessary signatures. She also remarked that the Children's Justice Act (CJA) grant survey was distributed, and it indicated that there was a need to make the public more aware of its role in reporting child abuse and neglect. It was suggested that the Subcommittee contact the medical examiner's office to discuss ways to reach out to the public.

b. ASFA Timelines

Trish Hearn reported that the Family Court received a tool kit on court performance measures in child abuse and neglect cases. They now hope to pursue a larger, stand-alone database system in order to track what Federal guidelines say they should be measuring. They issued a request for proposals, and hoped to engage a vendor by May. They hope this database will help the court determine its caseloads, as well as identify problems and how to correct them. The Family Court Judges were going to meet to determine what data would be released to other system partners, and when.

There was a question as to whether the Subcommittee was working on making recommendations for improving permanency for children. Ms. Hearn responded that they are not currently looking at that, but rather at Judge's calendars and caseloads.

c. Education

This Subcommittee needs a new chair. Ms. Culley planned to ask Secretary Lowery for a recommendation and bring it back to CPAC for approval. However, the work of the Subcommittee was continuing.

Ms. McDowell reported on the work of the Curriculum Workgroup. The Workgroup is working on developing a DFS 101 and an Education 101, modeling them after the CAN 101 training that has been out for the last couple of years. Two subgroups within the Workgroup were developed to develop the curriculum, the PowerPoint presentations, and related materials. The Workgroup planned to discuss ways to make these trainings as accessible as possible to the target audiences, which includes a vast amount of people. Possible ways that were discussed included in-person seminars, webinars, and having the PowerPoints online to be accessed at any time.

Ms. Culley updated the Commission on the Data Workgroup. She reported that data had been exchanged between DOE and DSCYF as to the number of children in DSCYF custody, and that there was a big disparity in the numbers that DOE had compared to the actual number of children in custody. This Workgroup now must look at ways to ensure that the data exchange between these two Departments is more accurate and regular so that DOE knows which children are in foster care and there can be more collaborative efforts to support those children. Baseline performance measures and educational outcomes must also be established. Once DOE has the information, it needs to be disseminated down to the local school level, so the schools can support their students. There was discussion about the lack of communication among individual schools, district administrations, and the Department of Education.

Mr. Cochran volunteered to reach out to Secretary Lowery to discuss the issues that need to be addressed between education and child welfare, and to then set up a meeting with key stakeholders.

d. Training

Ms. McDowell noted that the Subcommittee was meeting quarterly. The Subcommittee had discussed updating the CAN 101 training to make it more accessible, by such things as making it shorter and making it web-based; they had also considered possible Child Mental Health (CMH) 101 and Department of Health and Social Services (DHSS) 101 trainings.

The Subcommittee was also beginning to plan for the second joint CPAC/CDNDSC conference, to be held in the spring of 2010, for which the Family Court might partner for funding. Topics to be offered at the conference will be around prevention, multidisciplinary approaches to child welfare, and topics that fit in with the Court Improvement Project (CIP).

Finally, Ms. McDowell reported on the progress of the child welfare training calendar. OCA's website will function as the central location for all child welfare trainings in the state. All upcoming trainings from April through June were already posted. Ms. McDowell initiated a listserv in order to more easily update and add child welfare trainings and events. Any child welfare system partner who would like their training added to the website should submit the information to Ms. McDowell.

V. Other Child Protection Updates/Reports

a. Domestic Violence Coordinating Council (DVCC)

Bridget Poulle reported that Senate Bill 33, which amends the endangering statute to clarify witness as "either by sight or sound," passed the Senate on April 7, 2009.

b. Interagency Committee on Adoption

Mary Lou Edgar reported that ICOA was focusing on enhancing post-finalization services for families, especially those who have adopted children out of foster care. ICOA is piggy-backing on the work that was done by the MH/BH Subcommittee by looking at how to provide support to families who need extensive mental health support. She also noted that ICOA is advocating for permanency for children.

VI. Agency Reports and Statistics

a. Child Placement Review Board (CPRB)

Julia Pearce reported that the CPRB is working with the National Foster Care Review Association to collect data from the Casey Foundation on educational issues regarding children in foster care. It will be a 6 month project that will start in July. Ms. Culley recommended that coordination with the CPAC Educational Subcommittee should occur.

b. Children's Campaign

Al Snyder requested to make a brief report on the issue of children aging out of foster care, which was a priority of the Delaware Children's Campaign. During the gubernatorial race, the Children's Campaign met with all of the candidates, to discuss the aging out issue, and Governor Markell indicated that he would like to see a document with specific recommendations for action that could be taken to address the issue. As a result, a workgroup is going to be developed to integrate the recommendations from the Children's Campaign's report on aging out and another report called Building Bridges into action steps, and to prepare a report for the Governor. Mr. Snyder noted that a meeting was scheduled for this purpose on April 17, 2009, and the goal was to have a draft by June 1, 2009.

c. Children's Advocacy Center (CAC)

Randy Williams reported that the Children's Campaign had set up a group called the Kids Lobby, which involved holding a series of lunchtime meetings to discuss legislative issues concerning children. Mr. Williams and Leslie Newman from Children and Families First were trying to keep the Kids Lobby going after the Children's Campaign dissolved. Anyone interested in being on the distribution list for the Kids Lobby should contact Mr. Williams.

He went on to remind the Commission that there will be a Child First (formerly Finding Words) conference in Lewes during the week of April 27, 2009. So far there were 33 registrants. Funding for the conference continued to come from the Abuse Intervention Subcommittee and the Court Improvement Project.

Lastly, Mr. Williams reported that the CAC is looking at a contingency plan to address its budget issues. They are considering possible stimulus money, continued Victims of Crimes Act (VOCA) funding, and other possibilities to combat the continued budget cuts to state agencies.

d. Department of Justice (DOJ)

Ms. Lewis reported that the entire juvenile unit of the DOJ's Family Division went to a conference that connected the juvenile justice system and the child welfare system. She also noted that an MOU was executed among the DOJ, the Delaware Justice Information System (DELJIS), and Delaware's schools, regarding the information that can be revealed to schools to keep staff and students safe, called "off campus reporting." This MOU was the result of an incident where a student with a significant misdemeanor history, but not felony history, assaulted a teacher in a school.

She then announced that in May she would be traveling with several state troopers to Miami-Dade County to look into a system they have implemented, whereby they have cut juvenile arrests by 46% in 5 years. She remarked that the number of juvenile arrests is concerning in Delaware, and the DOJ is looking at the number of

very young children who are being arrested. In Miami-Dade County, for children under the age of 12, they have converted criminal offenses into an “assessment” system, where the children are assessed by mental and behavioral health experts, and then put on a plan, similar to a family service plan, instead of being arrested and criminally prosecuted. Ms. Lewis asserted that, in order for a system like this to work, there must be buy-in from law enforcement. Concern was also expressed that schools must buy in, because they often have “zero tolerance” policies that result in the arrest of young students for things like bringing a cake knife to school to cut a dessert.

Ms. Lewis reported that an item on the Juvenile Justice Collaborative’s agenda is a youth offender program, and noted that Carlyse Giddins, who is now the Director of the Division of Youth Rehabilitation Services (YRS), is on board with the program.

Finally, she mentioned a symposium that was held at the Widener University School of Law, on children as witnesses. She said it was very well attended and produced excellent materials.

e. Division of Child Mental Health Services (CMH)

Dr. Marc Richman remarked that CMH would be holding a trauma conference in May. He also reported that a project director was on board for the Parent Child Interactive Therapy (PCIT) grant, and that the project was getting ready to go. Meetings were going to be scheduled to inform DFS workers about the grant and the services offered, so that they can refer children in DFS custody. CMH was also continuing to look for additional grants, especially from the Substance Abuse and Mental Health Services Administration (SAMHSA).

f. Division of Family Services

Laura Miles reported that it was DFS’ busy season, and that both hotline reports and foster care entries were up in March. She noted that investigation caseloads were slightly above standard but still manageable, while treatment caseloads were actually below standard. She also highlighted the fact that there was only a 6.7% turnover rate so far for FY09, which was in line with FY07 and FY08, and that the federal reviewers thought that was an incredible rate. DFS had 3 vacancies but were told they would be able to fill those positions despite the state’s hiring freeze.

Ms. Miles told the Commission that DFS had submitted its first quarterly report on its Program Improvement Plan (PIP), which was approved by the federal partners. She went on to discuss DFS’ training agenda for its workers and other system partners. She stated that DFS was preparing an adoption and permanency track training for late April or early May; all DFS permanency staff will be trained, and then it will be open to all key partners who are interested. DFS also planned to provide a track of foster parent training specifically for those foster families who care for teenagers. Ms. Miles also informed the Commission that a Family Court contract attorney wanted to train DFS workers on trial preparation. DFS and the



Family Court recently held a mock trial to help train DFS workers in this area. Finally, Ms. Miles reported that DFS was instituting a pilot project in Kent County with the national organization Adopt Us Kids Now, to help prepare older children for adoption.

There was a question as to why one DFS region exceeded the investigation caseload standard, and Ms. Miles explained that one investigator in that unit has been out on extended medical leave. She reiterated that March has historically been the highest month for investigations, and that she expected to be below caseload standards across the state by May or June. There was another question as to whether there was still pressure within DFS to reduce the number of children in paid foster care placements. DFS replied that this was not the message that was being sent, but rather the charge was to manage within available resources. Only 700 placements are funded. Ms. Miles asserted that DFS is looking at children in the highest cost placements to see how they are progressing, where they are in their treatment mode, and whether they can be stepped down to another level of care. She went on to explain DFS partnered with Family Court to send a message about the types of cases that are referred to DFS, in an attempt to reduce the number of dependency and juvenile justice cases. Instead, they are trying to do more work with families on the front end, to prevent children from ending up in foster care. Lastly, DFS was asked why the number of children entering care in Sussex County has remained steady, while the numbers in New Castle and Kent have decreased, but DFS did not know the answer to that.

g. Office of the Child Advocate (OCA)

Ms. Culley reported that all OCA Deputy Child Advocates were at or over their caseload standard, and that OCA was continuing to recruit volunteers. She also noted that OCA was encouraging volunteer attorneys who have not been trained in a while to come to an updated training, to remind them of their duties and responsibilities. Finally, she reported that OCA was working on a couple pieces of legislation and was engaged in other policy work outside of CPAC.

VII. 2009 CPAC Meeting Dates

Friday, April 24, 2009 – 3-4:30 (Joint Meeting with CDNDSC)  
Wednesday, May 20, 2009 – 9-11 (Annual Legislative Meeting)  
Wednesday, July 8, 2009 – 9-12  
Wednesday, October 14, 2009 – 9-12  
Friday, November 20, 2009 – 3-4:30 (Joint Meeting with CDNDSC)

VIII. Public Comment

There was no public comment.

IX. Adjournment

There being no further discussion, the meeting was adjourned at 11:45 am.